IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 987 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SURESHBHAI NARSIBHAI SONI

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 987 of 2003

MR DAKSHESH MEHTA for Petitioner No. 1

MR NAGESH SOOD APP for Respondent No. 1

..... for Respondent No. 2-3

RULE UNSERVED for Respondent No. 4-5,8

MR HARDIK C RAWAL for Respondent No. 6

MRS MH RAWAL for Respondent No. 6

MR TS NANAVATI for Respondent No. 7

MR VD PARGHI for Respondent No. 9

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 04/11/2003

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

#. As per our order dated 17.10.2003, Crime Branch Police traced out the missing girl-Kirti and produced her before the learned Vacation Judge on 30.10.2003. His Lordship Akshay H. Mehta, J. ascertained the wishes of minor girl-Kirti. From the order dated 30.10.2003 passed by the learned Vacation Judge it is clear that she had expressed her desire before the learned Vacation Judge to go to her father's place. The said statement made before the court was at her free will and under no pressure, therefore, after ascertaining her wish, she was allowed to go with her parents, who were present before the court and the matter was kept today.

#. Today, learned counsel Mr.Dakshesh Mehta for the petitioner stated at the Bar that after the custody of minor girl-Kirti is handed over to the petitioner, she is staying with the petitioner and untoward incident has happened so far. Therefore, on the instruction from the petitioner, he wants to withdraw this petition as nothing survives in this matter at this stage in view of the order passed passed by the learned Vacation Judge on 30.10.2003.

#. Once, the custody of the minor girl-Kirti is handed over to the petitioner by the learned Vacation Judge, as per the order dated 30.10.2003, nothing further is required to be done in the matter and accordingly, it is disposed of. Rule is made absolute accordingly.

(B.J.Shethna, J.)

(Ravi R. Tripathi, J.)

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